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AUG 17 2007

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

A. Subcase

67-10622

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Brent McKee

Address:

2980 Salubra Rd
Cambridge Id 83610

Daytime Phone: 208-739-7107

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

McKee Brothers INC.

Address:

2980 Salubra Rd Cambridge Id
83610

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: as recommended
2. ☒ **Source**
Should be: as recommended
3. ☒ **Quantity**
Should be: as recommended
4. ☒ **Priority Date**
Should be: 11
5. ☒ **Point of Diversion**
Should be: 11
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: 11
7. ☒ **Purpose(s) of Use**
Should be: 11
8. ☒ **Period of Year**
Should be: 11
9. ☒ **Place of Use**
Should be: 11
10. ☒ **I object because:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): The water right in question has been of beneficial use because the water has been in use on agricultural land as far back as our records can show

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Washington)

Russell W. Wilcox Brent McKee, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

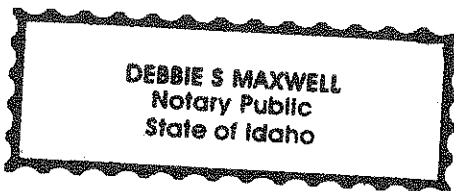
Brent McKee
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

August 11, 2007

Debbie S Maxwell
Notary Public for Idaho
Residing at: Council Idaho
My Commission Expires: 8/24/2013



My Commission Expires 8/24/2013

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Aug 16, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

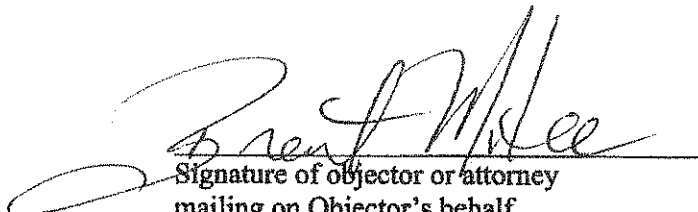
Name: Mikes Brothers Inc
Address: 2950 Selubria Rd Cambridge Id 83600

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

McKee Brothers, Inc.
2980 Salubria Rd
Cambridge, ID 83610
208-257-3538

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DEPARTMENT OF
WATER RESOURCES

August 16, 2007

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: SRBA Case No. 39576

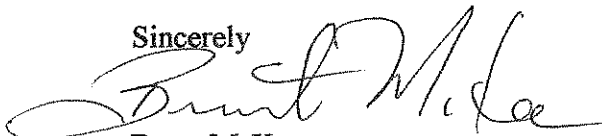
To Whom It May Concern:

On behalf of McKee Brothers, Inc., I, Brent McKee, wish to file an objection for disallowing right number 67-10622. The following documentation is enclosed as evidence supporting our reason for the claim.

1. A notarized statement from Russell Wilkerson stating that he can verify the land in question was being irrigated by the year 1963.
2. A notarized statement from Isaac Ward attesting that the land was being irrigated by 1960.
3. A notarized statement from Jerry Jaeger verifying that the land was being irrigated by 1962.
4. An affidavit by Jerry Jaeger, President of the Little Weiser Irrigation District verifying that the acres in question have been paying the construction and maintenance levee each year since 1937 and have been irrigated continuously and has been put to beneficial use.

I object to the director's report for not recommending this water right. It should be recommended with all elements. If you need additional information or have any questions please call me at 257-3538 or 739-7107.

Sincerely



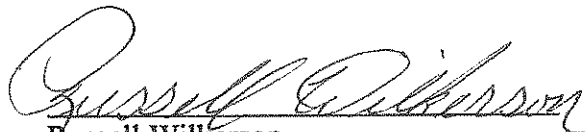
Brent McKee
McKee Brothers, Inc

August 15, 2007

To Whom It May Concern:

I attest that being a neighboring farm and having water rights in the same ditch, I can verify that the land in question was being irrigated by the year 1963. The property is described in the attached map being #17 & #18. It is located T14N, R02W S17 * 18. It is outlined in yellow according to the legend as Place of Use.

Attest:


Russell Wilkerson

*Individual
Acknowledgment*

STATE OF IDAHO,

COUNTY OF Washington } SS.

On this 16 day of August, in the year 2007, before me

Debbie S Maxwell

, a notary public in and for said State of

Idaho, personally appeared Russell Wilkerson

known or identified to me (or proved to me on the oath of _____) to be the person

whose name is subscribed to the within instrument and acknowledged to me that _____ he _____ executed the same.

DEBBIE S MAXWELL
Notary Public
State of Idaho

Debbie S Maxwell
Notary Public for Idaho

Residing at Council Id

My commission expires 8-24-2013

August 15, 2007

RECEIVED

AUG 17 2007

DEPARTMENT OF
WATER RESOURCES

To Whom It May Concern:

I attest that being a neighboring farm and having water rights in the same ditch, I can verify that the land in question was being irrigated by the year 1960. The property is described in the attached map being #17 & #18. It is located T14N, R02W S17 * 18. It is outlined in yellow according to the legend as Place of Use.

Attest:

Isaac Ward
Isaac Ward

State of Idaho

County of Washington

On this 15th day of August, 2007 before me, the undersigned notary public, personally appeared

Isaac Ward

known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

ANN GLADHART
Notary Public
State of Idaho

Ann Gladhart

Notary Public: Ann Gladhart

Cambridge, Idaho

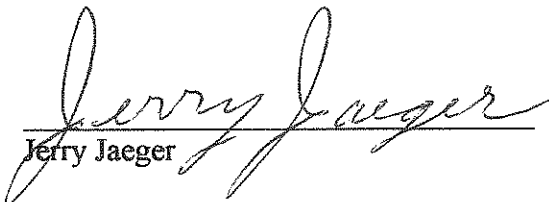
Commission Expires: March 31, 2016

August 15, 2007

To Whom It May Concern:

I attest that being a neighboring farmer I can verify that the land in question was being irrigated by the year 1962. The property is described in the attached map being #17 & #18. It is located T14N, R02W S17 * 18. It is outlined in yellow according to the legend as Place of Use.

Attest:


Jerry Jaeger

*Individual
Acknowledgment*

STATE OF IDAHO,

COUNTY OF Washington } ss.

On this 16 day of August, in the year 2007, before me

Debbie S Maxwell

a notary public in and for said State of
Idaho, personally appeared Jeery Jaeger

known or identified to me (or proved to me on the oath of _____) to be the person

whose name is subscribed to the within instrument and acknowledged to me that _____ he _____ executed the same.

DEBBIE S MAXWELL
Notary Public
State of Idaho

Debbie S Maxwell
Notary Public for Idaho

Residing at Council Id

My commission expires 8-24-2013

Idaho Department of Water Resources

T14N, R02W S17 & 18
Water Right No: 67-464

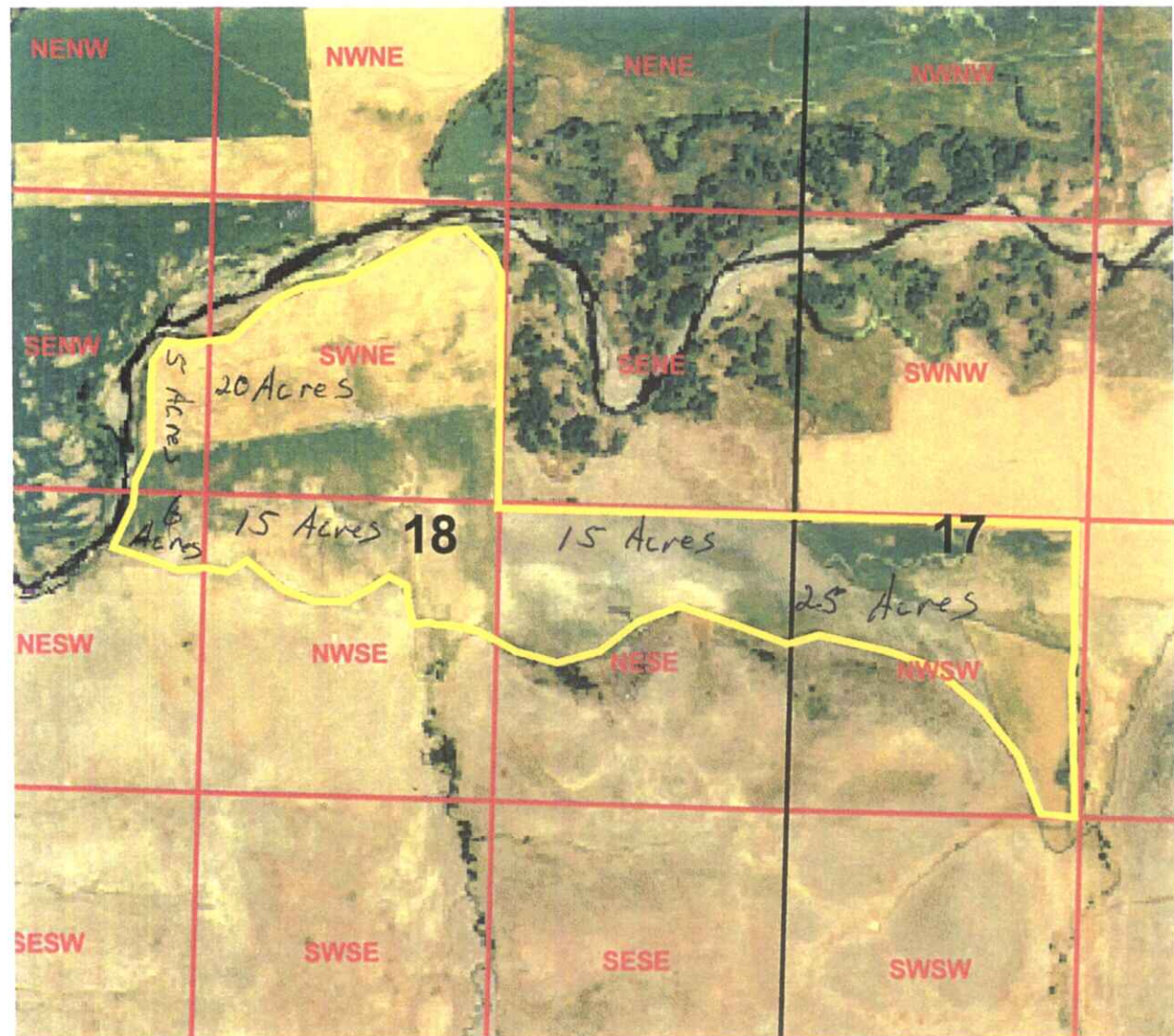
Legend

⊙ Point of Diversion

Place of Use

Quarter Quarter Lines

Section Lines



0.1 0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles

AFFIDAVIT

Concerning: Disallowed Flood Water Right for the McKee Brothers.

The Little Weiser Irrigation District was established in 1937 with the construction of the C. Ben Ross Reservoir. The benefited acres within the district include eighty-six acres in Sections 17 and 18, T 14N, R2W, BM which have been irrigated with water delivered through what is known as the Schwenkfelder Ditch. This has been continuous since the District was established. According to our records, these acres have been paying the construction and maintenance levee each year and have been irrigated continuously. Flood water has been used during the early part of the season each year until it runs out and then the Reservoir water is used for the remainder of the season. This water has definitely been put to beneficial use.

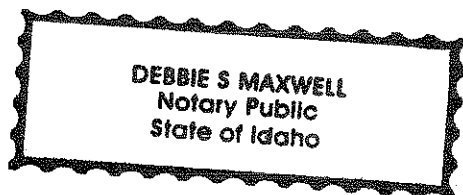
Jerry Jaeger, President
Little Weiser Irrigation District

Jerry Jaeger

Debbie S Maxwell

Notary Public for: *Council Idaho - State of Idaho*

Residing at: *Council Idaho*



My Commission Expires *8-24-2013*